

E-filing

**FILED**

DEC 15 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**FRISKIT, INC.,**

**NO. C 03-05085 WWS**

**Plaintiff,**

**ORDER RE DEFENDANTS'  
MOTION TO CONTINUE  
PRETRIAL AND TRIAL  
SCHEDULE AND FOR  
SANCTIONS**

**v.**

**REALNETWORKS, INC., et al.,**

**Defendants.**

This matter is before the Court on RealNetworks, Inc.'s and Listen.com's (collectively "Real") Motion to Continue Pre-Trial and Trial Schedule and For Sanctions. Having considered the submissions of the parties, all relevant pleadings and papers filed in this action, and the arguments of counsel,

**IT IS ORDERED:**

1. Real may take additional depositions subject to the following conditions:

(a) The scope of any additional deposition shall be limited to documents and information recently produced in response to one of the following discovery disputes:

(i) the search of the storage locker  
 (ii) Jeff Morgen's laptop  
 (iii) any discovery dispute addressed in Magistrate Judge James's December 2, 2005, order.

(b) Any such additional deposition must first be authorized by Magistrate Judge James. Real may obtain authorization by submitting a declaration to Magistrate Judge James showing good cause why the deposition is necessary.

(c) All such additional depositions shall be completed by February 16, 2006.

2. To allow sufficient time for any such additional depositions, and for the resolution of discovery disputes currently before Magistrate Judge James (including the appointment of an independent expert to evaluate the source code production), the pretrial and trial schedule is amended as follows:


Event	Date
Completion of additional depositions	February 16, 2006
File supplemental opening expert reports	February 28, 2006
File rebuttal to supplemental expert reports	March 17, 2006
Close of expert discovery	April 3, 2006
Last day to file dispositive motions	April 10, 2006
File responses to dispositive motions	April 24, 2006
File reply to dispositive motions (if necessary)	May 1, 2006
Dispositive motion hearing	To be scheduled by the Court
Pretrial conference	June 26, 2006
Trial	July 17, 2006

1 If Magistrate Judge James determines that Real must produce additional  
2 source code, Friskit may move for leave to supplement its expert report. If leave  
3 is granted, Real will be given leave to supplement its rebuttal expert report.

4 3. The motion for sanctions is denied without prejudice.

5 IT IS SO ORDERED.

6 DATED: December 15, 2005

7  
8   
9 WILLIAM W SCHWARZER  
10 Senior United States District Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28